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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/037,553 | 01/04/2002 | Mark Linus Bauman | ROC920010193US4 | 7117 |
| 7590 | 04/01/2005 | | EXAMINER | |
| Gero G. McClellan Moser, Patterson & Sheridan, L.L.P. Suite 1500 3040 Post Oak Boulevard Houston, TX 77056-6582 | | | TRUONG, LECHI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2194 | |
| DATE MAILED: 04/01/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/037,553 | MARK LINUS BAUMAN | |
| | Examiner | Art Unit | |
| | LeChi Truong | 2126 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 January 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

1. Claims 1-26 are presented for the examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 - 9 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. Claim 1 is directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, *inter alia*, issuing, configuring and handing can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 2106.1. Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8, 10-17, 19-21, 23-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Shah et al (US. Patent 6,175,879 B1).

5. **As to claim 1**, APA teaches the invention substantially as claimed including: a continuous mode input operation (synchronous accept/receive APIs accept connections and receive data, page 3, ln 13-16), a listening socket (socket accept connections, page 3, ln 9-10 and ln 23-24), a continuous mode accept operation configuring a listening socket to handle plurality of incoming client connections (page 3, ln 9-10 and ln 23-25), a client socket (socket receive, page 3, ln 9-10/ page 4, ln 8-10/ ln 32-33), a continuous mode receive operation configuring a client socket to handle a plurality of client requests(page 3, ln 9-10/ ln 28-32 and page 4, ln 8-11).

6. APA does not explicit teach the term single operation. However, Shah teaches single operation (one of the Winsock APIs 44, col 4, ln 39-45).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA and Shah because Shah's single operation would improving reliabiliry of APA's system by preventing APA system from down grading it's performance that associated with receive-any data handling.

8. **As to claim 2**, APA teaches the messages are client-server messages (page 1, ln 20-22).

9. **As to claim 3,** Shah teaches receive the client requests without invoking the application unit the request is completely received (col 6, ln 45-53/ col 4, ln 40-45).

10. **As to claim 4,** APA teaches the continuous mode input operations are issued from a main thread of the application (page 14, ln 17-20).

11. **As to claim 5,** APA teaches placing a single pending receive data structure on a pending queue (page 5, ln 4-6), copying contents of the pending receive data structure to a completed receive data structure queued on a receive completion queue (page 5, ln 5-8).

12. **As to claim 6,** APA teaches placing a single pending accept data structure on a pending queue; for each of the plurality of incoming client connections (page 4, ln 20-21), copying contents of the single pending accept data structure to a completed accept data structure queued on a accept completion queue (page 4, ln 22-24).

13. **As to claim 7,** it is an apparatus claim of claim 5; therefore, it is rejected for the same reason as claim 5 above.

14. **As to claim 8,** APA teaches acquiring a buffer from system supply memory to contain the completed client request (page 5, ln 13-14).

15. **As to claim 10,** it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Shah teaches application programming interface (col 4, ln 39-40).

16. **As to claims 11-17,** they are apparatus claims of claims 2-8; therefore, they are rejected for the same reasons as claims 2-8 above.

17. **As to claim 19**, it is an apparatus claim of claim 10; therefore, it is rejected for the same reason as claim 10 above. In addition, Shah teaches a network connection with a remote computer (col 2, ln 58-65), a processor (col 3, ln 1-4), memory (col 3, ln 1-4).

18. **As to claims 20-21, 23-26**, they are apparatus claims of claims 2-8; therefore, they are rejected for the same reasons as claims 2-8 above.

19. Claims 9, 18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Shah et al (US. Patent 6,175,879 B1) as applied to claim 1 above and further in view of Joh (US. Patent 6,717,954 B1).

20. **As to claim 9**, APA and Shah do not teach the buffer comprises sizing the buffer according to a size of the completed client request. However, Joh teaches the buffer comprises sizing the buffer according to a size of the completed client request (buffer is the same size of the current message, col 8, ln 1-2).

21. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Shah and Joh because Joh's sizing the buffer according to a size of the completed client request would increase the efficiency of APA and Shah's system by allowing a custom fit for message transmission based on client request.

22. **As to claims 18, 22**, they are apparatus claims of claim 9; therefore, they are rejected for the same reason as claim 9 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

March 16, 2005


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